

he don't have to give them any. At the present time under our present penalty system, there is no jail time. Under a Class IV misdemeanor, there is no jail time. So you are adding that with your amendment. Then, the fine situation under present criminal code law, Class IV misdemeanor is a fine up to \$500. With your amendment making it a Class III-A, you don't change the money. Is that correct? All you do is add seven days to the sentence of first offense drunk driver. That is not automatic. That is up to seven days. That is all that you are doing. I personally feel that I would oppose that amendment. That does not mean anything other than that. I feel that the first offense the person is entitled to a second chance. If they want to give them up to seven days, and you can get enough support for it, Senator Venditte, all well and good. I wish you all the luck in the world. That is why I would personally oppose the amendment. I hope that I made it clear that I was not trying to mislead the body.

PRESIDENT: Would you close, Senator Venditte.

SENATOR VENDITTE: Mr. President, members of the Legislature. It is my understanding that an excess of 50% of our states fatalities are caused by people who are under the influence of alcohol. It seems to me that in the rewrite of the criminal code we are not addressing ourselves to that very serious nature of what is happening of the slaughter on our state's highways. You know we can talk all we want about the drug abuse programs, the alcohol programs that we have and you look at the rate of recidivism in those programs and it certainly is not very encouraging. To my knowledge quite a few, as a matter of fact all, in a recent memo that I received from the federal highway administration that all of the alcohol programs that had been funded by the federal government are now being closed off. They are being shut off. They just simply are not working. I question whether or not our efforts to institute various drug education programs throughout our state would be effective in controlling the drug use and misuse in our society. I would hope that the body would adopt the amendment and all the amendment is doing is simply this. It is keeping in a jail sentence time if the judge so allows. That is all that we are doing. Right now the law says that the judge has the option of putting that person in jail for three months or giving him, I believe that it is, up to \$100 fine. My amendment, I think my amendment somewhat relaxes the law. It is saying that the judge can't give three months any more. He can only give up to seven days in jail. So, in essence I'm actually relaxing the law. I don't know of a judge today first offense DWI who will put that person in jail. I can assure you that in my opinion if these judges and the criminal justice system Senator Luedtke would start putting these people behind bars, I think that in itself would be a deterrent. I think that taking someone away from their family for one day or two days, you know taking them away from their home, from the family, from the television set, I think that would be a deterrent. It is unfortunate that our criminal justice hasn't been working, and the judges are the people who are not making this criminal justice system work. We have the laws, in my opinion, we have the laws. Mr. President, I would ask for a Call of the House and a roll call vote.

PRESIDENT: The question under consideration is the adoption of Senator Venditte's amendment. He asks that the House go